

June 18, 2019

Via ECF

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Paul Semplice
Criminal Docket No. 17-612 (PKC)

Dear Judge Chen:

I respectfully pray that this honorable Court urgently reconsider Paul Semplice's application for compassionate relief pursuant to 18 U.S.C. § 3582(c)(1)(A) and order his immediate release from the Metropolitan Detention Center subject to strict home confinement.¹ "Extraordinary and compelling reasons" justify a modified sentence in that [REDACTED]

[REDACTED]
[REDACTED].

I learned last evening June 17, 2020, that Mr. Semplice [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] However, he has also

¹ I respectfully seek to file a redacted version of this letter under seal.

been placed in the solitary Special Housing Unit (SHU), an extremely poor option for receiving medical care, [REDACTED]

Clearly now, based on this information, Mr. Semplice is a “high risk” inmate who is vulnerable to severe complications if he becomes COVID-19 infected. The MDC is still dealing with COVID-19, having reported 9 inmate cases as of June 4, 2020 letter filed in the Eastern District.²

The BOP has been failing in its responsibilities to provide Mr. Semplice with basic health care. Their utter indifference and concern for Mr. Semplice’s well-being is plainly demonstrated by the lack of treatment and medical attention, as discussed in our earlier application, and thereafter for over a month despite this Court’s stated concerns for Mr. Semplice’s lack of treatment. As the court may recall from his hearing, Mr. Semplice opined how extremely poor are the conditions at the MDC. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

and consequently Mr. Semplice received no medical attention until just this week.

² At the time of drafting and filing this letter, the BOP letters filed with the Eastern District at <https://www.nyed.uscourts.gov/covid-19> were inaccessible. Counsel recalls reviewing the June 4, 2020 letter on or about June 7, 2020 but is unable to read the letters dated June 9, June 11 or June 16, 2020 on the website. Counsel also recalls that at or around June 7, 2020, the BOP reported 3 inmate cases and 6 staff cases at MDC on the BOP’S website, which it now also reports at <https://www.bop.gov/coronavirus/>. Mr. Semplice was not tested despite our request when his cellmate tested positive. Upon information and belief, the MDC has not made any significant headway in increasing the testing for COVID-19, but has just tested Mr. Semplice.

However, Mr. Semplice's lack of being provided medical care is plainly not an indication that he has lacked the need to be provided medical care. My own repeated efforts in the prior month to speak with someone in authority within his unit so that he could get some care [REDACTED] went flatly unanswered. Indeed, I was in the process of writing to the Court with respect to the BOP's failure to address [REDACTED]
[REDACTED]

I cannot stand idly by while Mr. Semplice's urgent and life-threatening medical condition spirals catastrophically. The MDC is not an adequate facility for Mr. Semplice, classified as having "Community and out" Custody Level, eligible for the least secure housing, has a strong case for compassionate release. Thus, I respectfully implore this Court to order Mr. Semplice's immediate release to home confinement, under such conditions that it deems just and appropriate, to permit him to obtain medical care to meet his needs.³

Respectfully Submitted,

/s/

Allen C. Frankel
Attorney for Defendant Paul Semplice

cc: All Counsel
Patricia Sullivan, (U.S. Probation Department)

³ A letter to the Court dated May 7, 2020 provided a plan for Mr. Semplice's release. Counsel will provide any additional information requested by the Court.